



BARNES & THORNBURG

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 2152 (from filing receipt) } Certificate Under 37 CFR 1.8(a)
Attorney } I hereby certify that this correspondence is being
Docket: 6573-68375 } deposited with the United States Postal Service with
Applicant: Emsley, et al. } sufficient postage as first class mail in an envelope
Invention: TESTING INSTRUMENT } addressed to Assistant Commissioner for Patents,
Appl. No.: 09/844,413 } Washington, D.C. 20231
Confirmation No.: 1376 } on July 10, 2001
Filed: April 27, 2001 }
Examiner: Unknown }
Signature: Richard D. Conard
Type Name: Richard D. Conard

RESCISSON OF REQUEST MADE UNDER 35 USC §122 (b)(2)(B)(i)

Assistant Commissioner for Patents

Washington, D.C. 20231

BOX

Sir:

Applicant made a request, contemporaneously with the filing of this application, under 35 U. S. C. § 122 (b)(2)(B)(i), certifying that the invention disclosed in the application had not and would not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. Applicant hereby rescinds that request pursuant to 35 U. S. C. § 122 (b)(2)(B)(iv), and requests publication in due course.

Respectfully submitted,

Richard D. Conard

Richard D. Conard
Attorney Reg. No. 27321

RDC/kat
Indianapolis, Indiana
(317)231-7285

INDS02 RDC 391315

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on July 10, 2001

Kim Tyree
Signature

Kim Tyree
Type Name

RESPONSE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

BOX Missing Parts

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION issued June 20, 2001, a copy of which is enclosed with this reply, Applicants submit herewith an executed DECLARATION AND POWER OF ATTORNEY-PATENT APPLICATION.

Enclosed is a check for \$65.00 for the late filing of the executed declaration. Please charge any additional fees, or credit any overpayment in connection with this request, to Applicants' undersigned counsel's deposit account 10-0435 with reference to matter no. 6573-68375. A duplicate copy of this authorization is enclosed.

Accordingly, Applicants submit that this application is in condition for favorable consideration, culminating in allowance. Such action is respectfully requested.

Respectfully submitted,



Richard D. Conard
Attorney Reg. No. 27321

RDC/kat
Indianapolis, Indiana
(317)231-7285



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/844,413	04/27/2001	Brett W. Emsley	6573-68375

CONFIRMATION NO. 1376

FORMALITIES LETTER



OC000000006206858

Barnes & Thornburg
11 S. Meridian Street
Indianapolis, IN 46204

Date Mailed: 06/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice **MUST** be returned with the reply.*

Received 7/12/01
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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